

REMARKS

The last Office Action has been carefully considered.

It is noted that Claims 5-13 are rejected under 35 USC 103(a) over the European patent to Evans in view of the U.S. patent to Merritt.

After carefully considering the Examiner's grounds for rejection of the claims over the art, applicant amended Claim 5, the broadest claim on file, and submitted additional independent Claim 15. It is respectfully submitted that the new process for flavoring raw unpopped kernels defined in Claims 5 and 14 is not disclosed in the references and cannot be derived from it as a matter of obviousness.

It is respectfully submitted that the process defined in Claims 5 and 15 include the following steps:

Introducing raw unpopped corn kernels into a hypersaturated brine accommodated in a container for swelling the corn kernels until they absorb the brine, drying the unpopped corn kernels until they recover their original moisture level so that the water evaporates and some salt is left inside the corn kernels; incorporating an additional food flavor, and later

on coating the unpopped corn kernels with a flavored or non-flavored food shellac which seals the corn so that the flavor (salt or any other flavor) obtained before remains and its loss is prevented.

It is therefore believed to be clear that the main new feature of the present invention is to incorporate into the unpopped corn kernels a certain food flavor in a preceding step, and thereafter to coat their surface to prevent a loss of the incorporated food flavor.

This process produces an excellent, new, original product which has been commercialized worldwide because of its superior qualities.

Patents have been granted in numerous countries, including China and Europe, where both prior art documents by Evans and Merritt have been mentioned as not relevant prior patent documents.

In the Evans reference the flavoring component is comprised in the brine, and the method produces the corn kernel being impregnated inside and outside. In contrast, in accordance with the present invention, the impregnation is performed only inside, while thereafter the corn kernels are sealed with the food shellac to prevent loss of the previously impregnated inside flavoring component.

In the Merritt reference, the popcorn is coated, however, this coating does not provide prevention of loss of the previously incorporated food flavor. Also, in the Merritt reference the drying step is carried out once the corn has popped, as explained in the summary of the invention, while in the invention disclosed in the present application the drying step occurs before the popping. The method starts with raw, dried, unpopped corn kernels and contains unpopped corn kernels.

It is believed to be clear that the new features of the present invention which are now defined in Claims 5 and 15 are not disclosed in the references, and the references do not contain any hint or suggestion for their combination and the present invention cannot be considered as obvious from the teachings of the references either taken singly or in combination with one another.

Claims 5 and 15 should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on Claim 5, they share its allowable features, and they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,
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